

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 05-CR-50091-FL

ALFRED KA-FEI WONG,

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

Defendant.

ORDER DENYING MOTION FOR BOND

This matter came before the Court for hearing on January 5, 2006, on the Defendant's "Motion To Reconsider Bond," filed on December 9, 2005.

The Defendant initially appeared before this Court on November 29, 2005, based upon a Complaint charging him with knowingly and intentionally possessing with intent to distribute and distribution of a quantity of MDMA in violation of 21 U.S.C. § 841(a)(1). The Defendant was temporarily detained at that time. On December 2, 2005, he appeared before the Court for an arraignment on an Indictment charging him with distribution of MDMA, in violation of 21 U.S.C. § 841(a)(1). A Detention hearing was also held that date and the Defendant was subsequently ordered detained pending trial in this matter.

The Defendant has filed a motion to reconsider bond in this matter. In support of his motion the Defendant states that although he is not a citizen of the United States, he is currently a student at Saginaw Valley State University - RCC 1 Institute of Technology Partnership Program. He further states that he has paid the current tuition as well as tuition for the winter period of 2006. Additionally, the Defendant argues in favor of bond by citing that he has made a deposit on an apartment in the

Saginaw, Michigan area where he wishes to reside. The Defendant has also agreed to being placed on an electronic tether by the Pretrial Services Officer as a condition of his release.

The Government is opposed to the request for bond in this matter. The attorney for the Government states that the Defendant in this matter is facing a mandatory maximum sentence of ten years incarceration in this matter. Further, the Government argues that the Defendant has not rebutted the presumption established by 18 U.S.C. 3142, that no conditions or combination of conditions will reasonably assure the appearance of the Defendant and the safety to the community. As noted during the hearing, the Defendant is not a citizen of the United States of America, nor does he have any family or employment ties to this district.

The Court agrees with the Government in this matter. The Court finds that based upon the nature of the charges against the Defendant, the lengthy term of incarceration that he faces in this matter, as well as his lack of ties to the United States of America, the Defendant poses a risk of danger to the community and a risk of flight.

Accordingly, the defendant's motion for bond is hereby **DENIED WITHOUT PREJUDICE**.

The Order of Detention previously entered in this matter shall remain in effect.

The defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: January 6, 2006

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: James C. Mitchell, AUSA, Erwin F. Meiers, III, Esq., and I hereby certify that I have hand delivered/mailed by United States Postal Service the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, MI 48502, Pretrial Services Officer, 600 Church St., Flint, MI 48502

s/James P. Peltier
James P. Peltier
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